

**WARRANT FOR TOWN MEETING  
MONDAY, OCTOBER 23, 2023**

To either of the Constables of the Town of Stoneham in County of Middlesex, GREETINGS:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Stoneham qualified to vote in elections and Town affairs to meet in the Town Hall, 35 Central Street, on October 23, 2023, at seven o'clock in the forenoon to act on the following articles of the warrant:

**Article 1.** To see if the Town will amend the Stoneham Town Code, Chapter 15, Section 6.9 Flood Plain (Overlay) District Regulations by showing additions underlined in bold and deletions shown using strikethrough, as follows:

**6.9 FLOOD PLAIN (OVERLAY) DISTRICT REGULATIONS:**

**6.9 Purpose:**

**The purpose of the Floodplain Overlay District is to:**

- 1) Ensure public safety through reducing the threats to life and personal injury**
- 2) Eliminate new hazards to emergency response officials**
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding**
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding**
- 5) Eliminate costs associated with the response and cleanup of flooding conditions**
- 6) Reduce damage to public and private property resulting from flooding waters**

**Definitions:**

**DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.**

**FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.) (if applicable)**

**FLOOD HAZARD BOUNDARY MAP (FHBM) An official map of a community issued by the Federal Insurance Administrator, where the boundaries of the flood**

and related erosion areas having special hazards have been designated as Zone A or E. (if applicable)

**FLOODWAY.** The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**FUNCTIONALLY DEPENDENT USE** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**HIGHEST ADJACENT GRADE** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

6.9.1 Flood Plain (Overlay) District:

6.9.1.1 The Flood Plain Overlay District is herein established as an overlay district. The underlying permitted uses in all districts are allowed provided that they meet the following additional requirements as well as those of the **780 CMR** - Massachusetts State Building Code dealing with construction in floodplains and **310 CMR-Department of Environmental Protection Regulations**. ~~The Flood Plain District includes all special flood hazard areas designated as Zone A, A1 30 on the Stoneham Flood Insurance Rate maps, (FIRM), and the Flood Boundary and Floodway Maps, dated July 3, 1986, on file with the Town Clerk, Planning Board and Inspector of Buildings. These maps as well as the accompanying Stoneham Flood Insurance Study are incorporated herein by reference.~~

The District includes all special flood hazard areas designated on the Town's Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency for the administration of the National Flood Insurance Program, dated with the most recent effective map dates on FIRM and on the Flood Boundary & Floodway Map (FBFM) (if applicable) dated with the most recent effective date of the FBFM. These maps indicate the 1%-chance regulatory floodplain. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Flood Insurance Study (FIS) report dated with the most current FIS date. The effective FIRM, FBFM, and FIS report are incorporated herein by reference and are on file with the Town Clerk and Department of Public Works.

6.9.1.2 **Designation of Community Floodplain Administrator**

The Town of Stoneham hereby designates the position of Director of Public Works to be the official floodplain administrator for the Town.

6.9.1.3 **Permits are required for all proposed development in the Floodplain Overlay District**

The Town of Stoneham requires a permit for all proposed construction or other development in the floodplain overlay district, including new

construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

6.9.1.4 Assure that all necessary permits are obtained

The town's permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must demonstrate that all necessary permits have been acquired.

6.9.1.5 Floodway encroachment

In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM and/or Flood Boundary & Floodway Map encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

6.9.1.6 Unnumbered A Zones

In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

6.9.1.7. AO and AH zones drainage requirements (if applicable)

Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

6.9.1.8 Subdivision proposals

All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that:

(a) Such proposals minimize flood damage.

(b) Public utilities and facilities are located & constructed so as to minimize flood damage.

(c) Adequate drainage is provided.

6.9.1.9 Base flood elevation data for subdivision proposals

When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

6.9.1.10 Recreational vehicles

In A, A1-30, AH, AO, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

6.9.1.11 Requirement to submit new technical data

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

• NFIP State Coordinator

Massachusetts Department of Conservation and Recreation  
251 Causeway Street, 8th floor, Boston, MA 02114

• NFIP Program Specialist

Federal Emergency Management Agency, Region I  
99 High Street, 6th Floor, Boston, MA 02110

6.9.1.12 Variances to building code floodplain standards

If the State issues variances to the flood-resistant standards as found in the state building code, the community will use this text for local adoption:

The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that

- (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and
- (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

6.9.1.13 Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP)

A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

6.9.1.14 Abrogation and greater restriction section

The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

6.9.1.15 Disclaimer of liability

The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

6.9.1.16 Severability Section

If any section, provision or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the bylaw shall be effective.

6.9.1.17 Local Enforcement  
See Section 7.5

6.9.2 Development Regulations:

6.9.2.1 The following requirements in addition to all other requirements in the underlying district, apply in the Flood Plain Overlay District:

- (a) Within Zone A, where the base flood elevation is not provided on the FIRM, the applicant shall obtain any existing base flood elevation data and it shall be reviewed by the Inspector of Buildings for its reasonable utilization toward meeting the elevation or floodproofing requirements, as appropriate, of the State Building Code.

- (b) In the floodway, designated on the Flood Boundary and Floodway Map, the following provisions in addition to all other requirements in the underlying district shall apply:
1. All encroachments, including fill, new construction, substantial improvements to existing structures, and other development are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the 100-year flood.
  2. Any encroachment meeting the above standard shall comply with the floodplain requirements of the State Building Code. (10-21-85, Art. 15; 5-12-86, Art. 12)

#### **Town Administrator**

**Article 2.** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the Department of Revenue Certification of Real Property and Personal Property for FY2025 pursuant to the requirements of Massachusetts General Law c.40 §46, or do anything in relation thereto.

#### **Board of Assessors**

**Article 3.** To see if the Town will vote to authorize the Superintendent of Schools, with the approval of the School Committee, to lease for a term of years a portion of the premises known as Robin Hood Elementary School and located at 70 Oak Street, Stoneham, Massachusetts, including but not limited to a portion of the roof area, in compliance with Mass. Gen. L. c. 30B, for a roof-mounted solar photovoltaic facility, and to execute such other and further documents as may be necessary to effectuate the terms hereof, or do anything in relation thereto.

#### **Superintendent of Schools**

**Article 4.** To see if the Town will vote to authorize the Town Administrator to negotiate and execute a PILOT (Payment in Lieu of Taxes) agreement to be negotiated by the Select Board and/or Town Administrator with the successful proposer of a solar facility on the premises at Robin Hood Elementary School, 70 Oak Street, Stoneham, for the purposes of a solar array, or do anything in relation thereto.

#### **Town Administrator**

**Article 5.** To see if the Town will vote to amend the Stoneham Town Code Chapter 2, Sec. 2-37.2. Open Space and Recreation Advisory Committee; establishment and duties by deleting the section in its entirety as shown with strikethrough:

~~Sec. 2 37.2. Open Space and Recreation Advisory Committee; establishment and duties~~

~~(a) *Selection and term of members:* The Open Space and Recreation Advisory Committee shall, at its inception, consist of all current members of the Youth Commission and Unicorn Recreational Area Committee, who will, if they so desire, complete their terms as scheduled, but shall serve the remainder of their scheduled terms as members of the Open Space and Recreation Advisory Committee. Subsequent appointments shall be made as follows: four (4) Committee members shall be appointed in the year 2000; three (3) Committee members shall be appointed in the year 2001; and four (4) Committee members shall be appointed in the year 2002, all for terms of three years. All subsequent appointments, except for the filling of vacancies, shall also be for three (3) years.~~

~~(b) *Vacancies:* The Select Board shall, within sixty (60) days of a vacancy, appoint a new member to complete the unexpired term of any member who vacates his or her position on the Committee.~~

~~(c) *Organizational meeting:* The Committee shall meet for organizational purposes not later than thirty (30) days following the annual appointment of its members to elect its officers for a term of one year.~~

~~(d) *Duties:* The Committee duties shall include: providing advice and recommendations to the appropriate Town officials, both elected and appointed, regarding the open space and recreation needs of the Town including but not limited to the Golf Courses, Arena, all existing and future playgrounds and recreation areas, preparing and updating the Open Space and Recreation Plan, and developing recreational programs and activities for residents of the Town. (5-1-00, Art. 9)~~

**Select Board**

**Article 6.** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for capital projects, or do anything in relation thereto.

**Select Board**


**Article 7.** To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to amend the Fiscal Year 2024 department budgets approved under Article No. 9 of the May 1, 2023 Annual Town Meeting, or do anything in relation thereto.

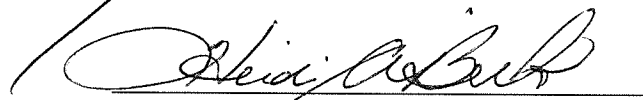
**Select Board**

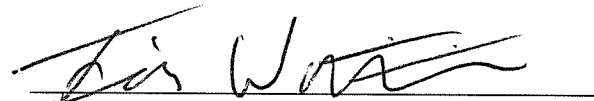
And you are directed to serve this Warrant by posting attested copies in at least (10) public places in the Town fourteen (14) days at least before the time for holding said meeting and by causing an attested copy to be published in some newspaper in the town, the publication to be not less than three (3) days before said meeting.

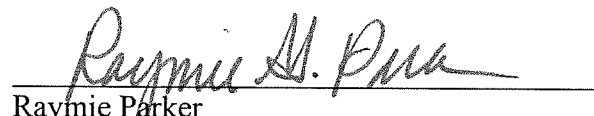
Hereof fail not and make due return of the Warrant with your doings thereon to the Town Clerk at the time and place aforesaid.

Given unto our hands this 3rd day of October in the year of our Lord two thousand twenty three.

  
David Pignone, Chair

  
Heidi Bilbo, Vice Chair

  
Tim Waitkevitch, Clerk

  
Raymie Parker

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George Seibold



Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of Stoneham qualified to vote in elections and Town Affair of the within meeting by posting attested copies of the said Warrant in at least ten (10) public places in the Town on October 4, 2023, and by publishing a duly attested copy of said Warrant in the Stoneham Independent on October 4, 2023.

A true copy. Attest: *David Luciano*  
David Luciano, Constable of Stoneham